United Nations S/2003/1048

Security Council

Distr.: General
30 October 2003

Original: English

Letter dated 30 October 2003 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to forward herewith an updated copy of the reaction of the Government of Rwanda (see annex) to the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2003/1027, annex).

I would be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Stanislas **Kamanzi**
Ambassador
Permanent Representative

03-59000 (E) 311003

Annex to the letter dated 30 October 2003 from the Permanent Representative of Rwanda to the United Nations addressed to the President of the Security Council

Reaction of the Government of Rwanda to the final report of the Panel of Experts on the Illegal Exploitation of the Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo

1. The Government of the Republic of Rwanda welcomes the final report of the Panel of Experts on the Illegal Exploitation of Natural Resources and Other Forms of Wealth of the Democratic Republic of the Congo (S/2003/1027, annex). The Government of Rwanda is happy to note that the Panel has finally come round to the viewpoint expressed by Rwanda from the very beginning of this exercise. One, that trade carried out in the Democratic Republic of the Congo, under relevant international and local laws and regional conventions, with taxes paid to the relevant administrations, including "rebel" administrations, is legitimate (para. 9). Second, that the exploitation of natural resources that does not benefit the majority of the Congolese people is not a new phenomenon, that it did not start with the establishment of the Panel, and we might add, with the presence of Rwandan Forces in the Democratic Republic of the Congo between 1998 and October 2002, and that it will not necessarily end with the conclusion of the Panel. Its causes are mainly internal to the Democratic Republic of the Congo, as the Panel finally realized.

2. The Government of Rwanda, however, strongly objects to the methodology employed by the Panel throughout its existence. Rwanda has been unfairly targeted for condemnation in previous Panel reports, based on hearsay and innuendo. Furthermore, the Panel has not been able to provide any documentary evidence to support its allegations against Rwandan companies and entities, despite repeated appeals from the Government. We note that whereas the Panel kept in close contact with the authorities of the Democratic Republic of the Congo right from November 2002, they deliberately declined contact with Rwandan authorities despite Rwanda's formal request for dialogue in March 2003, repeated in May 2003. It was only in mid-September 2003, that the Panel visited Kigali and transmitted a few cases to the Rwandan Prosecutor's Office for investigation. These investigations by the Prosecutor will require access to the territory of the Democratic Republic of the Congo, which is where the alleged breaches of the law took place. The Government of Rwanda has formally requested this access from the Government of the Democratic Republic of the Congo, and is awaiting a reply. Given the fact that the Panel produced its report less than a month after its visit, it is evident that by the time it came to us, it was in the advanced stages of completing its report. Rwanda was therefore denied the opportunity to complete its own investigations before the final report. We strongly object to the deliberate effort to tarnish Rwanda's image, while denying it the opportunity to defend itself. Rwanda believes that this is a serious breach of United Nations procedure, protocol, and due process, which can only serve to discredit both the work of the Panel itself and the whole United Nations system in general. Our respect for the United Nations leads us to strongly believe that the Organization, and its Security Council in particular, should not lend itself to partisan witch hunting against Member States.

3. This deliberate targeting of Rwanda is also manifest in the dichotomy between the Panel's final report, a public document, which, as we have pointed out, largely

reinforces Rwanda's position, and the Panel's private briefings to different members of the international community, in which they continue to make unsubstantiated allegations about Rwandan "opaque and discreet mechanisms and strategies for wielding economic control" in the Democratic Republic of the Congo, "discreet integration of Rwandan troops into the regular forces and militia of the Democratic Republic of the Congo". We demand that such allegations, made as late as July 2003, cease forthwith.

4. Rwanda notes that the Panel, in its final report, makes recommendations mainly to the Government of the Democratic Republic of the Congo. Rwanda, therefore, would not like to comment on them. This should not be construed as total consent to the recommendations however. We feel obliged to comment on one very dangerous and very unfortunate recommendation by the Panel. The Panel recommends that the status of the Banyamulenge and other ethnic groups, such as the Banyarwanda in North Kivu and South Kivu should be addressed. The Government of the Republic of Rwanda wishes to remind the Panel that the Lusaka Ceasefire Agreement clearly states that these groups are Congolese citizens. We further wish to remind the Panel that denial of some sections of Congolese society of their inalienable rights by successive Governments of the Democratic Republic of the Congo was one of the major causes of the current conflict in the country. It raises great concern that the Panel would venture to make a recommendation on an issue on which it has no mandate, no expertise and which has not been the subject of its enquiry. The recommendation is gratuitous and dangerous, deserving of rejection and condemnation.

5. Finally, it is curious that, given its purportedly extensive network of informants developed in the Democratic Republic of the Congo during the course of its work, little or no mention is made of the exploitation of the resources of the Democratic Republic of the Congo by the Ex FAR/Interahamwe in their different politico-military reincarnations. Everybody knows these criminals are in the Democratic Republic of the Congo, that they live off Congolese land and other resources, against the publicly expressed will of the different Congolese administrations, including the Government. Given that these groups are the root cause of the current instability in the region, we find the Panel's silence on the issue troubling.